

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE D. HISTORY, CULTURE, AND EDUCATION

CHAPTER 449. TEXAS HOLOCAUST AND GENOCIDE COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Holocaust and Genocide Commission.

(2) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such:

(A) killing members of the group;

(B) causing serious bodily or mental harm to members of the group;

(C) deliberately inflicting on the group conditions of life calculated to bring about the group's physical destruction in whole or in part;

(D) imposing measures intended to prevent births within the group; or

(E) forcibly transferring children of the group to another group.

(3) "Holocaust" means the killing of approximately six million Jews and millions of other persons during World War II by the National Socialist German Workers' Party (Nazis) and Nazi collaborators as part of a state-sponsored, systematic program of genocide and other actions of persecution, discrimination, violence, or other human rights violations committed by the Nazis and Nazi collaborators against those persons.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.002. SUNSET PROVISION. The Texas Holocaust and Genocide Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.003. ADMINISTRATIVE ATTACHMENT. The commission is administratively attached to the Texas Historical Commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.004. COMPOSITION OF COMMISSION. (a) The commission is composed of 18 members as follows:

(1) 15 public members appointed as follows:

(A) five public members appointed by the governor;

(B) five public members appointed by the lieutenant governor; and

(C) five public members appointed by the speaker of the house of representatives; and

(2) three ex officio members as follows:

(A) the commissioner of education;

(B) the commissioner of higher education; and

(C) the executive director of the Texas Veterans Commission.

(b) The speaker of the house of representatives shall designate a member of the house and the lieutenant governor shall designate a member of the senate to advise the commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. 3257, 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT; VACANCY. (a) A person appointed as a public member of the commission must be a resident of this state.

(b) Public members of the commission must include:

(1) persons who have served prominently as leaders of or spokespersons for public or private organizations that serve members of religious, ethnic, national heritage, or social groups that were subjected to the Holocaust or other genocides;

(2) persons who have significant professional experience in the field of Holocaust or genocide education;

(3) persons who represent liberators of Holocaust or other genocide victims; and

(4) persons who have demonstrated a significant, particular interest in Holocaust or genocide education.

(c) Appointments of public members to the commission shall be made:

(1) without regard to the race, color, disability, sex, religion, age, or national origin of an appointee; and

(2) so that each geographic area of this state is represented on the commission.

(d) The original appointing authority shall fill any vacancy in an appointed position on the commission for the unexpired portion of the term.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION OF REPRESENTATIVE. (a) An ex officio member of the commission vacates the person's position on the commission if the person ceases to hold the position that qualifies the person for service on the commission.

(b) An ex officio member may designate a representative to serve on the commission in the member's absence. A representative designated under this subsection must be an officer or employee of the state agency that employs the ex officio member.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.007. REMOVAL OF PUBLIC MEMBER. (a) It is a ground for removal of a public member from the commission if the member:

(1) is ineligible for public membership under Section [449.005](#)(a);

(2) cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or

(3) is absent from more than three consecutive regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If a member of the commission has knowledge that a potential ground for removal exists, the member shall notify the

presiding officer of the commission of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.008. TERM OF PUBLIC MEMBER. (a) Public members of the commission serve staggered four-year terms with the terms of seven or eight members expiring February 1 of each odd-numbered year.

(b) A public member is eligible for reappointment to another term or part of a term.

(c) A public member may not serve more than two consecutive terms. For purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 97 (S.B. [777](#)), Sec. 1, eff. September 1, 2013.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.009. OFFICERS; SUBCOMMITTEES. (a) The governor shall designate a public member of the commission as presiding officer to serve in that capacity at the pleasure of the governor.

(b) The presiding officer of the commission may appoint a subcommittee for any purpose consistent with the duties of the commission under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1,

eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.010. COMPENSATION; EXPENSES. (a) A public member of the commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting commission business, as provided by the General Appropriations Act.

(b) An ex officio member's service on the commission is an additional duty of the underlying position that qualifies the member for service on the commission. The entitlement of an ex officio member to compensation or to reimbursement for travel expenses incurred while transacting commission business is governed by the law that applies to the member's service in that underlying position, and any payment to the member for either purpose must be made from money that may be used for the purpose and is available to the state agency that the member serves in that underlying position.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. [482](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3257](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a) The commission shall meet at least quarterly at the times and places in this state that the commission designates.

(b) Seven voting members of the commission constitute a quorum for transacting commission business.

(c) An ex officio member of the commission may not vote on commission business.

(d) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear

before the commission and speak on any issue under the jurisdiction of the commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. 3257, 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.012. COORDINATOR. The Texas Historical Commission shall provide one part-time employee to serve as the coordinator for the Texas Holocaust and Genocide Commission to transact commission business.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

SUBCHAPTER B. POWERS AND DUTIES; FUNDING

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. 3257, 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.051. ADVISORY STATUS OF COMMISSION. (a) In implementing its powers and duties under this chapter, the commission functions only in an advisory capacity. Membership on the commission does not constitute a public office.

(b) Chapter 2110 does not apply to the commission.
Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. 3257, 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.052. GENERAL POWERS AND DUTIES OF COMMISSION. (a)
The commission shall:

(1) provide advice and assistance to public and

private primary and secondary schools and institutions of higher education in this state regarding implementation of Holocaust and genocide courses of study and awareness programs;

(2) meet with appropriate representatives of public and private organizations, including service organizations, to provide information on and to assist in planning, coordinating, or modifying Holocaust and genocide courses of study and awareness programs;

(3) determine which, if any, existing Holocaust or other genocide memorials, exhibits, or other resources could be included in or used to support Holocaust and genocide courses of study and awareness programs;

(4) compile a list of volunteers, such as Holocaust or other genocide survivors, liberators of concentration camps, scholars, and members of the clergy, who have agreed to share, in classrooms, seminars, exhibits, or workshops, their verifiable knowledge and experiences regarding the Holocaust or other genocide;

(5) coordinate events in this state memorializing the Holocaust and other genocides on January 27, International Holocaust Remembrance Day, on the Days of Remembrance established by the United States Congress, or on any other day designated by the commission for that purpose; and

(6) solicit volunteers to participate in commemorative events designed to enhance public awareness of the continuing significance of the Holocaust and other genocides.

(b) In implementing Subsection (a)(3), the commission may contact and cooperate with:

(1) existing public or private Holocaust or other genocide resource organizations, including the United States Holocaust Memorial Museum;

(2) other museums, centers, and organizations based in this state;

(3) state agencies that carry out the educational functions of the state delegated under the Education Code, including the Texas Education Agency and the Texas Higher Education Coordinating Board; and

(4) members of the United States Congress and of the legislature of this state.

(c) The commission shall adopt rules as necessary for its own procedures.

(d) The commission may appoint advisory committees to advise the commission.

(e) The commission may provide matching grants to assist in the implementation of the commission's goals and objectives.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 209 (S.B. 247), Sec. 1, eff. June 8, 2011.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. 3257, 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 449.053. FUNDING. (a) The commission may accept gifts and grants from a public or private source for the commission to use in performing the commission's powers and duties under this chapter. The commission may participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds for or provide services or other benefits to the commission.

(b) The Texas Historical Commission may provide staff and may support functions and activities of the Texas Holocaust and Genocide Commission from money available to the Texas Historical Commission that may be used for this purpose. The legislature may also specifically appropriate money to the Texas Historical Commission to provide staff and to otherwise support functions and activities of the Texas Holocaust and Genocide Commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1352 (S.B. 482), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 209 (S.B. 247), Sec. 2, eff. June 8, 2011.